

REMARKS

Objections to the claims

Claims 1, 2, and 6 stand objected to for certain informalities. In particular, the Examiner objects to the terms “installing,” “starting,” and “console” because it is not clear what the numbers refer to. The claims have been amended to remove these numerals. The Examiner further objects that in claim 2, “a NT service” should read “an NT service.” Claim 2 has been amended accordingly. The Examiner finally objects to the term “being” in claim 6, which has been canceled therefrom. Applicants thus submit that all of the Examiner’s objections have been addressed satisfactorily.

Rejection under 35 U.S.C §112

Claims 1-7 and 10 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner finds that there is insufficient antecedent basis for various terms. Applicants have amended the claims to address the Examiner’s rejections. With regards to the terms “the command line” in claim 3 and “the NT domain” in claim 5, Applicants submit that the claimed limitation of the Windows NT Operating System in parent claim 2 inherently discloses the existence of the command line feature of this OS, and thus respectfully request the Examiner to withdraw these rejections.

Rejection under 35 U.S.C §103

Claims 1-4 and 7-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,790,796 to Sadowsky in view of U.S. Pat. No. 6,029,246 to Bahr. Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sadowsky and Bahr and further in view of U.S. Pat. No. 5,793,982 to Shrader. In particular, the Examiner finds that, with respect to claim 1, Sadowsky discloses all claimed limitations except for teaching that the local setup procedure is a low level service that is available in the operating system for local background tasks and routines. The Examiner further finds that Bahr teaches installing a process as an NT

service, which then performs updating in the local machine. Thus, the Examiner opines that it would have been obvious to one of skill in the art to install an executable file for controlling a local setup procedure as taught by Sadowsky where the local setup procedure is a low level service that is available in the OS for local background tasks and routines, as taught by Bahr.

Applicants have reviewed the two references with care, paying particular attention to the passages and figures cited to by the Examiner, and are compelled to disagree with the Examiner's understanding of these references and his conclusions. Erstwhile, there is no motivation whatsoever for the person skilled in the art, looking to develop a *remote* setup procedure, to combine these two references because neither of these references contains any teachings directed to the remote installation of software. Thus, and of more significance, even if one skilled in the art did combine the two references as posited by the Examiner, the result would not be anticipatory of the claimed invention.

Sadowsky discloses little if anything beyond the well-known concept of installing an application on a client machine in response to a direct, explicit request from the client machine. This method of operation, and its drawbacks, are discussed in the Background section of the present application. Bahr discloses the concept of using a low-level Windows NT service to perform administrative functions on a remote client running Windows NT. The only disclosure directed to the installation of software in Bahr is directed to installing an administrative agent application on the client which then periodically queries an administrative database on a server and attempts to execute administrative instructions specified for that client. Bahr further mentions an installed application, the registry modification service, that runs as a background NT service with administrative permissions on the client. There is no mention whatsoever of installing either of these applications remotely from a shared resource at the direction of an administrator console.

Thus, both of these references are directed to systems and methods of operation wherein actions are taken locally at the client to request data from a server. There is absolutely no teaching, mention, or allusion in either of these references directed to a remotely initiated and executed process as presently claimed, nor of starting the remotely-installed executable file as a low level service available to the client. In Bahr, the low level NT services mentioned are

services that are already present on the client machines and are initiated by a user logging on to the client.

Applicants have amended the claims to make these differences between the cited art and the claimed invention more discernible. These amendments are made solely for the purpose of clarifying the scope of the claim and assisting the Examiner in identifying the differences between the cited art and the claims. Applicants expressly note that therefore these amendments are not made for purposes related to patentability, because the amendments do not alter the scope of each claim, but rather merely clarify it.

As posited by MPEP 2143.03, “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” (emphasis added) Applicants respectfully submit that such a *prima facie* showing cannot be made in view of Sadowsky and Bahr because these references, alone or in combination, simply do not disclose all of the claimed limitations. For this reason, Applicants submit that claim 1 is in fact novel and nonobvious in view of Sadowsky and Bahr.

Claim 2 as amended herein contains similar limitations to claim 1, and Applicants submit that the above discussion of claim 1 is equally applicable to claim 2, and that claim 2 is therefore also novel and nonobvious. Claims 3-7 depend from claim 2. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicant submits that claims 3-7 are also allowable.

Claims 8 and 9 as amended herein contain similar limitations to claim 1, and Applicants submit that the above discussion of claim 1 is equally applicable to claims 8 and 9 and that these claims are therefore also novel and nonobvious.

Claim 10 has been canceled. Applicants do not acquiesce to the Examiner’s rejection of claim 10, but have canceled it nonetheless in the interest of passing this case to issue.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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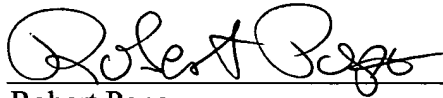
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Mia Kim
(Name of Person Transmitting)


(Signature)

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(Date)

Respectfully submitted,



Robert Popa
Attorney for Applicants
Reg. No. 43,010
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
rpopa@ladasparry.com